

STUDENTS

Criteria for Out-of-Zone/School Attendance Areas

A. Purpose

The School Board has established attendance and eligibility criteria, building utilization levels, attendance exceptions, and approval and appeal procedures and waivers for those students who request out-of-zone transfers or have been transferred to a school other than the students' established attendance area. The following Regulation identifies and explains these requirements. Unless otherwise specified in School Board Policy 5-14, a request for an out-of-zone attendance shall not be approved by the appropriate school official where a school exceeds its optimum building utilization level by ten (10%) percent or more.

B. False Statement Penalty

It is a Class 4 Misdemeanor to knowingly make a false statement concerning the residence of a child in a particular school division or school attendance zone. False statements concerning residency may result in finding the student ineligible to enroll in or attend school in the School Division or a particular school attendance zone or program. The person making such false statement may be liable for costs incurred by the School Division in educating the student. Failure to inform the School Division of a change in residency that effects an approved out of zone placement will also constitute a false statement. Approved out of zone placements may be revoked if it is determined that the approval was based on a false statement.

C. Out of Zone Requests

1. Military Connected Students

a. Incoming military connected students

In accordance with applicable law, a student of an active duty service member will be allowed to enroll in a school in where the family intends to reside but is not currently residing, if the family provides copies of military orders or an official letter from a military command verifying that the active duty services family member is or will be assigned to this area. The family must provide required evidence of residency in the applicable zone within 120 calendar days of the date of enrollment. Failure to provide such verification by the 120nd calendar day after enrollment will cause the student to no longer be eligible to enroll in the School Division

or the zoned school under this exception, unless the student qualifies for enrollment under another exception, law or regulation. The School Division, at its discretion, may allow the student to continue enrollment for the remainder of the regular school year upon the payment of tuition. Enrollment after the end of the regular school year may only be approved if the student qualifies for enrollment under another applicable policy, regulation or law.

b. Outgoing military connected students

In accordance with applicable law, a student of an active duty services member residing in the School Division may remain enrolled until end of the current regular school year if the active duty services family member receives orders to relocate outside of the School Division. Copies of military orders or an official letter from a military command verifying the orders to relocate must be presented.

c. Military dependents who reside in the City of Virginia Beach on a military base/installation or in military housing may request not to attend their zoned school due to exceptional circumstances by submitting the required form and documentation of an exceptional circumstance as listed below.

2. Exceptional Circumstances

A request for out-of-zone attendance may be approved in the limited exceptional circumstances set forth below. If approved, the adult student or the parent/legal guardian of a minor student is required to provide safe and punctual transportation to and from the out-of-zone school. Any change of special education services must be made through the Individualized Education Program (IEP) process in conjunction with the Office of Programs for Exceptional Children.

- a. Certain physical, emotional or social adjustment difficulties as documented by a licensed professional currently treating the student. School Division licensed professionals may be consulted for additional review and recommendation;
- b. Course offerings required for graduation that are not available at the designated home school;
- c. When the NJROTC program of study is not available at the student's home school. An out-of-zone request for a student accepted into the NJROTC program at the designated partner school of the home school will receive consideration;

- d. Elementary school student child care issues. The parent/legal guardian must demonstrate hardship in providing appropriate supervision for the child in the designated school area where the parent/legal guardian resides. Factors the School Division will consider include, but are not limited to: the age of the child; lack of child care providers in the designated school area; personal circumstances within the parent/guardian's household (i.e. the parent/guardian work schedule, ability to pay for child care, among others); length of time child has been with child care provider; type of care situation (private home vs. day care center); any family relation to child care provider; advantages of the care to be provided in the requested area; and whether the provider will provide safe and punctual transportation to/from the requested school;
- e. Change in residence. With the permission of the principal, a student changing residence within the city may complete only the current school year in the school in which he/she was in attendance;
- f. Victim of a crime. When a student has been the victim of any crime (defined in Virginia Code §18.2-30 *et seq.* and Virginia Code § 21.1-3.3), and the crime was committed by a student in the school, a School Board employee, a volunteer, a contract worker or another person regularly performing services in the school, or the crime was committed on school property or a school bus owned or operated by the School Division, such student shall be granted a transfer to a comparable school within the School Division if available, upon the request of the adult student or the parent or legal guardian of a minor student. Such request shall be made in writing to the Superintendent or designee.
- g. Other extenuating circumstances, exceptional hardship or educational reasons other than those set forth above or in School Board Policy 5-14.

D. Approval Process and Appeal of Decision: Kindergarten through Grade 8

1. Out of Zone Attendance Student Placement Request Form
The adult student or the parent/legal guardian of a minor student must complete an Out of Zone attendance Student Placement Request Form, available in each school, on the School Division's website at www.vbschools.com, and from the Office of Student Leadership, and submit the request form and any required documentation to the principal of the zoned school. Applications will be time and date stamped by the office of the principal upon receipt.
2. Documentation

The parent/legal guardian must provide the following documentation with the Student Placement Request Form in order to have an out-of-zone request considered:

- a. Verification of current address (ex. current water, electric or landline telephone bill); and
- b. Letter of verification from licensed professional currently treating the student detailing physical, emotional or social adjustment difficulties;
or
- c. Verification from child care provider and information from parent/legal guardian addressing factors set forth in subsection E.2.c;
or
- d. Verification from parent/legal guardian of change of residence (ex. housing contract or lease agreement); or
- e. Documentation showing educational reasons, exceptional hardship or other extenuating circumstances; or
- f. Documentation of School Division employment status and verification of parent's/legal guardian's reporting school or primary assignment.

3. Principal Review

The principal of the zoned school shall review the Student Placement Request Form and necessary documentation to determine compliance with this Regulation. In the event that the request pertains to a student with a disability, the principal shall consult with the Office of Programs for Exceptional Children before approving or denying such request. The principal of the zoned school may approve the out-of-zone request based upon space available or as defined in School Board Policy 5-14, Sections F-1 and F-2 and shall forward any approved request to the principal of the current or zoned school. Parents/legal guardians will be notified in writing of the decision by the principal. The Office of Student Leadership will receive notification from the principal of any denied out-of-zone request.

4. Length of Approval

Out-of-zone requests shall be approved for the current school year only. Parents/legal guardians must reapply to the principal of the receiving school each year for approval. In the event that there is no space available in a school, as defined in Subsection A (Purpose) of this Regulation, no out-of-zone requests shall be approved unless otherwise specified in School Board Policy 5-14. A submitted application is not to be interpreted as "approved"

until official notification has been issued in writing by the appropriate school administration representative.

5. Athletic eligibility

Out-of-zone students must comply with all requirements for eligibility as prescribed by the Virginia Beach Middle School League.

6. Appeal of Decision

A parent/legal guardian who disagrees with the denial of an out-of-zone request may file a written appeal with the Office of Student Leadership within five calendar days of receipt of the decision, or the right to appeal the decision is waived. A review of the decision will be conducted by the Coordinator of Student Conduct who will either uphold or deny the decision. The parent/legal guardian and the principal will be notified of the decision in writing. The decision of the Coordinator of Student Conduct may be appealed in writing to the Director of Student Leadership within five school days of the issuance of the decision of the Coordinator of Student Conduct, or the right to appeal is waived. The parent/guardian and principal will be notified of the decision in writing. The decision of the Director of Student Leadership, as the Superintendent's designee, is final.

E. Approval Process and Appeal of Decision: High School

1. Out of Zone Attendance -Student Placement Request Form

The adult student or the parent/legal guardian of a minor student must complete an Out of Zone Attendance-**Student Placement Request Form**, available in each school, on the school division's website at www.vbschools.com, or from the Office of Student Leadership, and submit the request form and any required documentation to the Coordinator of Student Conduct.

2. Documentation

The adult student or the parent/legal guardian of a minor student must provide the following documentation with the Student Placement Request Form in order to have an out-of-zone request considered:

- a. Verification of current address must be from one or more of the following (ex. current water, electric, landline telephone bill or real estate closing documents); and

- b. Letter of verification from licensed professional currently treating the student that details physical, emotional or social adjustment difficulties; or
- c. Verification from parent/legal guardian or adult student of change of residence (ex. housing contract or lease agreement); or
- d. Documentation showing educational reasons, exceptional hardship or other extenuating circumstances.

3. Coordinator of Student Conduct Review

The Coordinator of Student Conduct, as the Superintendent's designee, shall review the Student Placement Request Form and necessary documentation to determine compliance with this Regulation. In the event that the request pertains to a student with a disability, the Coordinator of Student Conduct, as the Superintendent's designee, shall consult with the Office of Programs for Exceptional Children before approving or denying such request. The adult student or the parent/legal guardian of a minor student will be notified in writing of the decision by the Coordinator of Student Conduct.

4. Length of Approval

Out-of-zone requests shall be approved for the current school year only. The adult student or the parent/legal guardian of a minor student must reapply to the Coordinator of Student Conduct each year for approval. A submitted application is not to be interpreted as "approved" until official notification has been issued in writing by the appropriate school administration representative as explained in School Board Policy 5-14 and in this Regulation.

5. Athletic Eligibility

Out-of-zone students must comply with all requirements for eligibility as prescribed by the Virginia High School League.

6. Appeal of Decision

The adult student or the parent/legal guardian of a minor student who disagrees with the denial of an out-of-zone request may file a written appeal with the Senior Executive Director of High Schools within five (5) calendar days of receipt of the decision, or the right to appeal the decision is waived. A review of the decision will be conducted by the Senior Executive Director of High Schools, who will either uphold or deny the decision. The adult student or the parent/legal guardian of a minor student and the principal will be notified of the decision in writing. The decision of the Senior Executive Director of High Schools, as the Superintendent's designee, is final.

F. Transportation – responsibility of student or parent/legal guardian

Students or parents/legal guardians must provide a safe and punctual method of transportation to and from the school. Failure to provide transportation will constitute reason to revoke any approval for student placement.

G. Existing Out-of-Zone Students – must reapply each year

Students approved for an out-of-zone school will be required to fill out a Student Placement Request Form, provide necessary documentation, and continue to meet one of the exceptions outlined herein when their current school year has ended in order to be considered for an out of zone approval in a future school year. All new requests for out-of-zone attendance shall be made in accordance with the procedures set forth in this Regulation.

H. Revocation of Approval

Approval of out-of-zone attendance can be revoked by the Coordinator of Student Conduct~~principal~~ at any time with written notification to the parent/legal guardian of a minor student or adult student. Reasons for revocation include, but are not limited to: overcrowding; poor attendance; habitual tardiness; failure to provide safe and punctual transportation; Code of Student Conduct violations or other discipline issues; failure to maintain passing grades; and any action or behavior by the student or parent/legal guardian that is uncooperative, disruptive ~~a disruption~~ of or causes interference with the educational process. Revocation of an approved out-of-zone attendance may be appealed to the Senior Executive Director of High Schools~~Coordinator of Student Conduct~~ within five calendar days.

I. Notification to Commercial Child Care Providers

Once a school exceeds its optimum building utilization level by ten or more percent, the principal should notify any commercial child care center that has requested such notification in writing that the school can no longer approve out-of-zone requests for the duration of the school year.

J. Ability to place any student for good cause

The School Division reserves the right to place any student in an out of zone placement for good cause. Additionally, a student may be placed in an out of zone placement when the student's presence poses a significant disruption or potential for disruption to the educational environment or to the safety of students or staff. The adult student or parent/legal guardian of a minor student may appeal the decision to the Coordinator of Student Conduct within five (5) calendar days of such decision. The Coordinator of Student Conduct's decision may be appealed to the Department of School Leadership within five (5) calendar days of the decision. The Department of School Leadership,

acting as the Superintendent's designee, will render a final, written, unappealable decision. Any such placement will be for the current school year (or the following school year if the decision is rendered between April and the first day of the new school year). Such placement decisions are exempt from the optimum building utilization level.

Legal Reference

Code of Virginia §22.1.3, as amended. Persons to whom public school shall be free.

Code of Virginia §22.1-3.3, as amended. Transfer of students under certain circumstances.

Related Links

School Board **Policy 5-14**

Approved by Superintendent: July 16, 1991

Revised by Superintendent: May 18, 1993

Revised by Superintendent: September 21, 1993 (Effective August 14, 1993)

Revised by Interim Superintendent: August 1, 1995

Revised by Superintendent: October 26, 1998

Revised by Superintendent: August 31, 1999

Revised by Superintendent: August 2, 2000

Amended by School Board: June 5, 2001

Revised by Superintendent: October 27, 2003

Revised by Superintendent: March 17, 2006

Revised by Superintendent: November 22, 2010

Revised by Superintendent: March 12, 2018

Revised by Superintendent: September 2018

Revised by Superintendent: March 26, 2019

Revised by Superintendent: September 2022

APPROVED AS TO
LEGAL SUFFICIENCY

Kamela H. Barrett
9/14/22